

Answers to
Schultz v Cruz
4/16/15 - 60106

RE: Reason why Barrack Hussein Obama, II, was not eligible to be President and why Ted Cruz and Marco Rubio are not eligible to run for the Presidency. By Fremont V Brown III

RE: Reason why Barrack Hussein Obama, II, was not eligible to be President and why Ted Cruz and Marco Rubio are not eligible to run for the Presidency. By Fremont V Brown III

Actions
Ada M. Fisher
11/29/15

To: fremont@fremontbrown.com

United States District Court
Southern District of Texas
FILED

FEB 29 2016

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David J. Bradley, Clerk of Court

From: **Ada M. Fisher** (fisheram@msn.com)
Sent: Sun 11/29/15 2:23 PM
To: fremont@fremontbrown.com (fremont@fremontbrown.com)
FYI
9-7-2015

Unhand the 14th Amendment (Part I. Immigration)

The frustration of many with our porous borders as well as concern about the burgeoning illegal populations fosters much consternation about "Anchor Babies" for want of a better descriptor. Estimates place the numbers born to parents who are in the country illegally at least 500,000 births a year. The US Supreme Court did not deal with the legality of this issue as is often wrongfully cited by its 1896 Wong Kim Ark decision.

The 14th Amendment with the 13th and 15th Constitutional Amendments were written in response to slavery during reconstruction and have been used by the courts to justify things which were not in its original purpose. On the issue of Anchor Babies the similarities to treatment of slaves in our states has some unpleasant similarities for babies conceived/born here regardless to the origins of their parents as were slaves brought here often against their will. The Equal Protection Clause of the 14th gave slaves certain rights as citizens which antedates in this amendment specification of who citizens are. Our newest obsession with refugees is not covered in the US Constitution and should require approval by Congress realizing that Jews were turned away during the Holocaust and George W. Bush's amnesty for 100,000 Bantu from Africa still has not been fully realized.

The 14th Amendment, ratified July 9, 1868, overturned the court's own rulings in Dred Scott v. Sanford 1857 which limited the rights of slaves, thereby broadening the definition of citizenship. It is ironic that Sen. Ted Cruz who was not even born in this nation but running for its presidency would advocate denying birthright to those born on this precious soil. Many cite the Supreme Court's 1896 decision on Wong Kim Ark which notes this child of Chinese immigrants legally domiciled in the US had the rights of citizenship and could not have such revoked after a trip outside of the nation upon his reentry. Though a child of foreigners, as one permanently domiciled and a resident in the US at the time of birth, Ark could not be denied the rights of citizens. This is not the same as people illegally here and housed on US Soil.

It is clear in reading the 1857 ruling that citizenship means those permanently domiciled and a resident at the time of birth born on American soil (a concept known as *jus soli*). Noted also is that foreign diplomats who have children while stationed here cannot claim citizenship for their children. This should bring into question the concept of "Natural Born" citizenship. This also begs the question of whether those who aren't citizens at birth are eligible to run for the presidency even if one parent was by choice a citizen living abroad via *jus sanguinis* (inheriting citizenship from a parent). US military personnel stationed abroad who have children at their assignment have had their children granted automatic citizenship.

Presently defining citizenship in view of the concept of "illegal aliens", domestic workers, Anchor Babies, "Birther" movement statements regarding seekers of the presidency not born on US soil or quartering refugees is not clearly defined by Congress or the Constitution. Natural Born citizenship

needs immediate clarification before the flood gates are irrefutably opened allowing other than citizens born on this soil to lead. It is essential that this nation of many peoples define who its citizens are and whether we have rights on this soil that others don't.

In this the maze of legal mumbo-jumbo obfuscating important issues of who is a citizen, what are our rights? Whether squatters' rights or equal entitlements can be claimed by those illegally here requires constitutional guidance not heartfelt compassionate sympathy. Family members of citizens here should not necessarily be given entry preference for relatives not born in this nation solely for reunification purposes. They must stand in line and await their turn as is done for others seeking relief.

No other nations allow unrestricted immigration without establishing and enforcing its guidelines. Upon entry to this nation at Ellis Island, people had to have a sponsor, speak the language, which is English not American, and have a job before they were let in. It used to be held that immigration was to allow those facing political oppression a refuge not to serve as a haven for those seeking better lifestyles or improved economic status.

In our generosity to undocumented visitors within our borders, we are strangling our entitlement system including social security and other bounties of kindness. Too often others not legally entering or staying in this country are given opportunities, options and others rights which birthright citizens often can't enjoy. This must stop for we don't extend to others that which we aren't providing for citizens and taxpayers here. Charity must also be shown at home.

Dr. Ada M. Fisher is a physician, retired Fortune 500 Company Medical Director, licensed teacher in secondary education—Mathematics and Science, former School Board Member, as well as the NC Republican National Committee Woman. Her book, *Common Sense Conservative Prescriptions Solutions for What Ails Us, Book I* may be ordered through any bookstore or purchased on line through Amazon.com or thecreatespaceStore.com. Contact her at P. O. Box 777; Salisbury, NC 28145; DrFisher@DrAdaMFisher.org

Subject: Re: Reason why Barrack Hussein Obama, II, was not eligible to be President and why Ted Cruz and Marco Rubio are not eligible to run for the Presidency. By Fremont V Brown III

To: fisheram@msn.com

From: fremont@fremontbrown.com

Date: Sun, 29 Nov 2015 11:38:35 -0500

Many thanks!

Fremont V Brown III

BCGOP Member at Large

NCGOP Member at Large

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Asheville, NC 28806

(828) 777-5326

On 11/29/2015 9:51 AM, Ada M. Fisher wrote:

I'll send it myself

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: Fremont V Brown III <fremont@fremontbrown.com>

Date: 11/29/2015 12:39 AM (GMT-05:00)

To: "Ada M. Fisher" <fisheram@msn.com>

Cc:

Subject: Re: Reason why Barrack Hussein Obama, II, was not eligible to be President and why Ted Cruz and Marco Rubio are not eligible to run for the Presidency. By Fremont V Brown III

I checked it and emailed. But, with indirect email one is not sure one gets thru sometimes. Thanks and have a great weekend what's left of it.

Fremont V Brown III

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On 11/29/2015 12:29 AM, Ada M. Fisher wrote:

His website has his info.

Sent from my T-Mobile 4G LTE Device

----- Original message -----

to be President of the United States.

Rafael Eduardo "Ted" Cruz, was born in Calgary, Canada. Cruz's father became a Canadian citizen during his residence in Canada. Once Cruz's father returned to the US he renounced his Canadian citizenship.

But, what is very important is that Ted's Father became a naturalized US citizen in 2005 long AFTER Ted was born. It is not necessary that a person be born within the US to be a Natural Born Citizen. WHAT is necessary is that his parents must already be Citizens of the U.S. at the time he was born. Vattel understood that US citizens might be abroad in the service of their Country and their child might be born in the foreign land. Since children inherit, as a matter of natural right, the status of their parents, the Child is BORN a US citizen. That is why John McCain is an NBC. His father, already a US citizen, was stationed in the Panama Canal Zone. His Mother, already a US Citizen, was living with her husband. So their son, John, was BORN a Natural Born Citizen.

Location of birth is always irrelevant. All that matters is the citizenship status of the parents. Both parents must be U.S. citizens.

Constitutional provisions:

Section 1 of Article Two of the United States Constitution sets forth the eligibility requirements for serving as president of the United States, under clause 5:

No person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty-five Years, and been fourteen Years a Resident within the United States.

The Twelfth Amendment states, "No person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States."

Naturalization is not the Same as NATURAL BORN!

Note: The Constitution can be "voided" ONLY if and when it is replaced by another Constitution. Acts do not trump the Constitution. This means the Constitution is the Supreme Law of the Land.

"The Naturalization Act of 1790 states quite clearly: a child born of a U.S.-born mother anywhere in the world is a U.S. citizen by birth and therefore a natural-born citizen," Rafael Cruz said. - Washington Post, James Hohmann, August 31

Here is the wording of the Naturalization Act of 1790 - Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That any Alien being a free white person, who shall have resided within the limits and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof on application to any common law Court of record in any one of the States wherein he shall have resided for the term of one year at least, and making proof to the satisfaction of such Court that he is a person of good character, and taking the oath or affirmation prescribed by law to support the Constitution of the United States, which Oath or Affirmation such Court shall administer, and the Clerk of such Court shall record such Application, and the proceedings thereon; and thereupon such person shall be considered as a Citizen of the United States. And the children of such person so naturalized, dwelling within the United States, being under the age of twenty one years at the time of such naturalization, shall also be considered as citizens of the United States. And the children of citizens of the United States that may be born beyond Sea, or out of the limits of the United States, shall be considered as natural born Citizens: Provided, that the right of citizenship shall not descend to persons whose fathers have never been resident in the United States: Provided also, that no person heretofore proscribed by any States, shall be admitted a citizen as aforesaid, except by an Act of the Legislature of the State in which such person was proscribed.

Marco Rubio is not a Natural Born Citizen. Neither of his parents were U.S. citizens at the time of Rubio's birth in 1971. His parents applied for U.S. citizenship and were naturalized in 1975, four years AFTER his birth.

See http://tarheelteaparty.org/?page_id=5436 for more on Natural Born Citizen by Publius Huldah and others.

Again, what matters is the citizenship status of the parents. Meaning BOTH parents.

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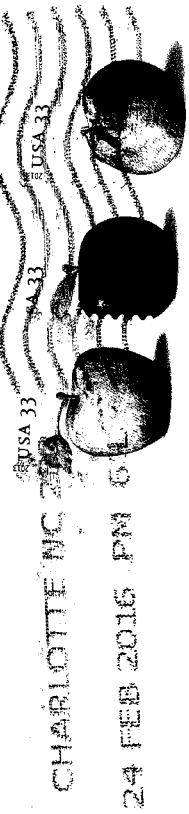
United States District Court
Southern District of Texas

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FEB 29 2016

David J. Bradley, Clerk of Court

Amicus Brief
S. 1000 v. Cruz
4:16-cv-00106



CHARLOTTE NC 274

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